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Substantively Consolidated SIPA Liquidation of  
Bernard L. Madoff Investment Securities LLC and  
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

COHMAD SECURITIES CORPORATION, *et al.*,

Defendants.

Adv. Pro. No. 09-01305 (SMB)

**STIPULATION AND ORDER FOR VOLUNTARY DISMISSAL  
OF DEFENDANTS MARCIA B. COHN IN HER CAPACITY AS CO-EXECUTOR OF  
THE ESTATE OF MILTON S. COHN AND SHERRY GAINES IN HER CAPACITY AS  
CO-EXECUTOR OF THE ESTATE OF MILTON S. COHN  
FROM ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa-III, and the substantively consolidated estate of Bernard L. Madoff individually, by and through his counsel, Baker & Hostetler LLP, and defendants Marcia B. Cohn in her capacity as Co-Executor of the Estate of Milton S. Cohn and Sherry Gaines in her capacity as Co-Executor of the Estate of Milton S. Cohn, by and through their counsel, Vinson & Elkins LLP and Richards Kibbe & Orbe LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On June 22, 2009, the Trustee commenced this adversary proceeding (the “Adversary Proceeding”) against, among others, Milton S. Cohn by filing his original complaint (ECF No. 1).
2. On October 8, 2009, the Trustee filed his First Amended Complaint (the “Complaint”) in the Adversary Proceeding against, among others, Milton S. Cohn (ECF No. 82).
3. After the disposition of proceedings on motions to withdraw the reference and motions to dismiss the Complaint in whole or in part, defendant Milton S. Cohn filed an answer to the Complaint on September 19, 2011 (ECF No. 238).
4. Milton S. Cohn died on August 29, 2015. Marcia B. Cohn in her capacity as Co-Executor of the Estate of Milton S. Cohn and Sherry Gaines in her capacity as Co-Executor of the Estate of Milton S. Cohn were substituted as defendants in place of Milton S. Cohn by Order dated July 6, 2016 (ECF No. 372).

5. Pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 (Case No. 08-01789, Dkt. No. 3181), the Parties entered into a settlement agreement.

6. In accordance with Federal Rule of Bankruptcy Procedure 7041 and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal with prejudice of all of the Trustee's claims against defendants Marcia B. Cohn in her capacity as Co-Executor of the Estate of Milton S. Cohn and Sherry Gaines in her capacity as Co-Executor of the Estate of Milton S. Cohn in the Adversary Proceeding.

7. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective estates, personal representatives, executors, administrators, heirs, successors and assigns, and upon all creditors and parties in interest.

8. This Stipulation may be signed by the Parties, through their counsel, in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

9. Upon the dismissal of defendants Marcia B. Cohn in her capacity as Co-Executor of the Estate of Milton S. Cohn and Sherry Gaines in her capacity as Co-Executor of the Estate of Milton S. Cohn (the "Dismissed Defendants"), the caption of the Adversary Proceeding is hereby amended to delete the Dismissed Defendants from the caption. The amended caption shall appear as indicated in Exhibit A to this Stipulation.

Dated: December 29, 2016  
New York, New York

**BAKER HOSTETLER LLP**

By: /s/ Esterina Giuliani

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SIPA Liquidation of Bernard L. Madoff  
Investment Securities LLC and the estate  
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Cohn in her capacity as Co-  
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Cohn and Sherry Gaines in her  
capacity as Co-Executor of the  
Estate of Milton S. Cohn*

**SO ORDERED** this 27<sup>th</sup> day of December 2016.

/s/ STUART M. BERNSTEIN  
HONORABLE STUART M. BERNSTEIN  
United States Bankruptcy Judge